IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.3673 of 2005 (O&M)
Date of Decision : 21.08.2007

Balwinder Singh and others .....Appellants

versus

Surjit Singh and others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.R.K.Gupta, Advocate for the appellants.

Mr.A.K.Garg, Advocate for
Mr.Amarjit Markan, Advocate for respondent Nos.1 to 3.

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JUDGMENT

HEMANT GUPTA, J. (Oral)

C.M.No.9779-C of 2005

For the reasons mentioned in the application, the delay of 556 days in filing the appeal is condoned.

R.S.A.No.3673 of 2005

The plaintiffs are in second appeal aggrieved against the judgment and decree passed by the Courts below whereby the sale deeds dated 6.6.1990 and 18.7.1990 were challenged inter-alia on the ground that the suit land is Joint Hindu Family Coparcenary property and the sale has been effected without legal necessity. The plaintiffs have also challenged the decrees dated 6.12.1991 and 6.8.1993, suffered by their grand father Gurnam Singh in favour of defendant Nos.1 to 3, the sons of Gurnam Singh other than Manjit Singh father of the present plaintiff-appellants.

Both the Courts below have recorded a concurrent finding of fact that the suit land was partitioned in the year 1990. To recognize the said

partition, a consent decree dated 21.5.1990, Exhibit D-10 was suffered by Gurnam Singh in favour of Manjit Singh, father of the present appellants as well. Gurnam Singh, in fact, suffered separate decree in recognition of family settlement in favour of his other sons as well. In the year 1990, Gurnam Singh and his sons separated their shares and the Joint Hindu Family of which Gurnam Singh was the *Karta* came to an end. After the year 1990, there was no Joint Hindu Family comprising of plaintiffs, defendant Nos.1 to 3 and defendant No.8 with Gurnam Singh and that the plaintiffs were not left with any right, title or interest in the property left by Gurnam Singh.

Consequently, I do not find any illegality or irregularity in the finding recorded by the Courts below which may give rise to any substantial question of law for consideration of this Court in second appeal.

The present appeal stands dismissed.

21-08-2007 **(HEMANT GUPTA)**
*mohinder **JUDGE**